



Public Service Commission

State of North Dakota

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June 6, 2016

Lawrence Bender, Attorney at Law
Fredrikson & Byron, P.A.
1133 College Drive, Suite 150
Bismarck, ND 58501-1215

RE: PU-14-842 Dakota Access, LLC

Dear Mr. Bender:

Thank you for your May 25, 2016 letter notifying the Commission of Dakota Access LLC's intent to adjust the route designated by the Commission. According to your filing, all of the proposed route adjustments are either within the designated corridor or are less than 1.5 miles in length outside of the designated corridor.

Under North Dakota Century Code section 49-22-16.3, a company must file a written certification and certain documentation concerning reroutes that occur before or during construction of a liquid transmission line. State law also requires that a utility shall obtain the Commission's written authorization to impact an avoidance area, both for reroutes within and outside of the designated corridor.

The information provided in Exhibit G of your filing indicates the potential to impact areas of geological instability, which are considered avoidance areas under North Dakota Administrative Code chapter 69-06-08. This information appears to conflict with the May 23, 2016 affidavit of Joey Mahmoud, also filed in this matter, which indicates that no avoidance areas will be affected by the route and corridor adjustments. Please provide a response indicating whether avoidance areas will be impacted by the proposed reroutes.

If avoidance areas will be impacted, Commission approval will be necessary per North Dakota Century Code subsections 49-22-16.3(2)(b) and 49-22-16.3(4)(c). You may wish to provide the Commission with additional information to assist in making its decision, such as maps of the areas of geologic instability in relation to the proposed route adjustments, specific descriptions of the nature of each area of geologic instability, and the results of any professional assessments.

Sincerely,

Julie Prescott
Compliance and Competitive Markets Division

187 PU-14-842 Filed 06/06/2016 Pages: 1
Letter acknowledging certification and documentation for route
adjustments under NDCC 49-22-16.3
Public Service Commission Staff
Julie Prescott